

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

**RITA and PAM JERNIGAN and
BECCA and TARA AUSTIN**

PLAINTIFFS

v.

Case No. 4:13-cv-00410 KGB

**LARRY CRANE, in his official capacity as
Circuit and County Clerk for Pulaski County,
Arkansas, and his successors in interest;
DUSTIN McDANIEL, in his official capacity
as Attorney General for the State of Arkansas,
and his successors in interest; RICHARD
WEISS, in his official capacity as Director of
the Arkansas Department of Finance and
Administration, and his successors in interest;
and GEORGE HOPKINS, in his official
capacity as Executive Director of the Arkansas
Teacher Retirement System, and his
successors in interest**

DEFENDANTS

JUDGMENT

Consistent with the Opinion and Order entered on this date, the Court enters judgment as follows:

1. Judgment is entered in favor of plaintiffs, Rita and Pam Jernigan, and Becca and Tara Austin, on their claim that Amendment 83 of the Arkansas Constitution and Arkansas Code Annotated §§ 9-11-107, 9-11-109, and 9-11-208 restrict the Jernigans and Austins' fundamental right to marry in violation of the Due Process Clause and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.
2. Judgment is entered in favor of plaintiffs on their claim that Amendment 83 of the Arkansas Constitution and Arkansas Code Annotated §§ 9-11-107, 9-11-109, and 9-11-208 impose unconstitutional classifications on the basis of their gender in

violation of the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

3. The Court dismisses with prejudice plaintiffs' claim of deprivation of their right to travel.
4. The Court dismisses with prejudice plaintiffs' claim of discrimination on the basis of their sexual orientation in violation of the Equal Protection Clause of the United States Constitution.
5. The Court dismisses plaintiffs' claim alleging a liberty interest protected by the Due Process and the Equal Protection Clauses of the Fourteenth Amendment to the United States Constitution.
6. The Court dismisses plaintiffs' claims alleging a right to autonomy, family privacy, and association under the Due Process Clause of the Fourteenth Amendment to the United States Constitution.

Further, the Court enjoins defendants from enforcing Amendment 83 and Arkansas Code Annotated §§ 9-11-107, 9-11-109, and 9-11-208 in a manner that denies plaintiffs the ability to marry in Arkansas or to have their valid out-of-state marriages recognized in Arkansas. The Court also enjoins defendant Richard Weiss in his official capacity as Director of the Arkansas Department of Finance and Administration from denying the Jernigans' joint tax returns and enjoins George Hopkins in his official capacity as Executive Director of the Arkansas Teacher Retirement System ("ATRS") from denying spousal benefits to Pam Jernigan according to the ATRS retirement plan. The Court stays execution of this injunctive relief pending the final disposition of any appeal to the Eighth Circuit Court of Appeals. If no timely notice of appeal is

filed, this injunctive relief shall take immediate effect upon the expiration of the time for filing a notice of appeal.

It is so adjudged this 25th day of November 2014.



Kristine G. Baker
United States District Judge